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*Counsel for Defendants,
STEVE LOSIK, MD. and
HORIZON RADIOLOGY*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ALLSTATE INSURANCE COMPANY,
ALLSTATE INDEMNITY COMPANY,
ALLSTATE PROPERTY & CASUALTY COMPANY,
AND ALLSTATE FIRE AND CASUALTY INSURANCE
COMPANY,

Plaintiffs,

-against-

DR. ELIEZER L. OFFENBACHER M.D. PLLC,
DR. OFFENBACHER MEDICAL IMAGING, PLLC,
HORIZON RADIOLOGY, P.C., ACCURATE MEDICAL
DIAGNOSTIC SERVICES, P.C., ACCESS MEDICAL
DIAGNOSTIC SOLUTIONS, P.C., ELIEZER L.
OFFENBACHER, M.D., STEVE LOSIK, M.D.,
SIDDHARTH PRAKASH, M.D., TESLA IMAGING
LEASING CORP., TESLA IMAGING CORP.,
BB & B MANAGEMENT CORP., ALBA MANAGEMENT,
INC., ALBA IMAGING LEASING CORP.,
STAT IMAGING MANAGEMENT, LLC, ALEXANDER
BANK, AND JASON PANDOLFINI,

Defendants.
-----X

Docket No.:
1:21 -cv-01013 (FB)(CLP)

**RULE 26(a) INITIAL
DISCLOSURES OF
DEFENDANTS DR.
STEVE LOSIK, M.D and
HORIZON RADIOLOGY,
P.C.**

PLEASE TAKE NOTICE, that pursuant to Rule 26 (a)(1) of the Federal Rules of Civil Procedure, the Defendants **DR. STEVEN LOSIK, M.D. and HORIZON RADIOLOGY, P.C.,** make the following Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1):

(i) Based upon information available to them at this time, the defendants and their representatives believe the individuals or entities identified below are likely to have discoverable information that may be used to support their defenses, unless used solely for impeachment:

WITNESS:

Dr. Steven Losik, M.D., May be contacted through Counsel Medical services provided to patients

ANTICIPATED KNOWLEDGE:

The management, operation and business practices of: Horizon Radiology, P.C. as well as the

Other individuals, not specifically known to the defendants at this time, including any individuals identified by the Plaintiffs' in their Initial Disclosures, may possess discoverable information that the defendants may use to support their defenses. The defendants reserve the right to amend theses disclosures to, inter alia, identify other witnesses that may be identified through ongoing discovery.

(ii) Based upon information available to them at this time, no documents, information and/or tangible things (described below by category), are in the possession, custody or control of the defendants that may be used by them to support their defenses (excluding documents that may be used solely for impeachment). It has been over 8 years since defendant Losik has submitted a claim to any of the plaintiffs for services rendered by Horizon Radiology, P.C. Therefore, all materials related to such claims have since been shredded and disposed of. The defendants reserve the right to modify this representation with respect to the identified categories and locations and/or identify additional categories and locations of documents as discovery, investigation and analysis of this litigation proceeds.

CATEGORY

Financial Records: Including defendants' books financial records and other related documents and materials

LOCATION

Not Applicable. No such records still exist.

Communications: Various letters and related Documents concerning the operation of the business

Not Applicable. No such records still exist.

Medical Records: patient tests results, charts, etc.

Not Applicable. No such records still exist.

With respect to the documents and materials identified above, other documents and materials not specifically known to the Defendants at this time, including any documents and materials in the possession and control of the Plaintiffs, may be used by the Defendants to support their defenses. The Defendants reserve the right to amend these disclosures to, inter alia, identify any other documents or materials that may be identified through ongoing discovery.

(iii) Based upon information available to them at this time, the defendants do not have any counterclaims against the plaintiffs. However, the defendants reserve the right to present counterclaims pending discovery. As a result, damages are not applicable at this time.

(iv) Not applicable as the Defendants do not have any such insurance agreements.

(v) These initial disclosures are based upon information reasonably available to the defendants at this time and represent a good faith effort to identify the discoverable information they currently reasonably believe falls within F.R.C.P. 26(a)(1).

Notwithstanding the foregoing, discovery in this matter is in its infancy and there may be further developments in this litigation that may impact these initial disclosures. By making these disclosures, the Defendants do not represent that they are identifying every witness, document or tangible thing that they may use to support their case. The Defendants reserve their right to correct, modify amend and/or supplement these disclosures if necessary as contemplated by F.R.C.P. 26(e).

In addition, the defendants' Initial Disclosures are made without waiving, in any shape, manner or form (i) any claim of privilege or work product; (ii) the right to object on the grounds of competency, relevancy, materiality, hearsay or any other proper ground, the use of any such information for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; or (iii) the right to object on any and all grounds, at any time, to any discovery request or proceeding involving or relating to the subject matter of these disclosures.

These Initial Disclosures do not identify or otherwise include information concerning experts. The defendants will disclose the identity of any experts and their opinions at the appropriate times in accordance with the Court's scheduling order.

The defendants reserve the right to supplement, modify and/or amend the foregoing disclosures pending further discovery and as additional investigation and circumstances merit and as any applicable rules or court orders permit and/or require

Dated: June 7, 2021

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